



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,084	03/16/2001	Mark Nelson	NLN 301	7370

7590 10/07/2002
Robert D. Varitz P.C.
2007 S.E. Grant Street
Portland, OR 97214

EXAMINER

JAGAN, MIRELLYS

ART UNIT	PAPER NUMBER
----------	--------------

2859

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. 09/810,084		Applicant(s) NELSON ET AL.	
Examiner Mirellys Jagan		Art Unit 2859	

--Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

THE REPLY FILED 18 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2. ☐ The proposed amendment(s) will not be entered because:
 - (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.


NOTE: _____

- 3. ☐ Applicant's reply has overcome the following rejection(s): _____.
- 4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
- 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

- 8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
- 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
- 10. ☐ Other: _____


Diego Gutierrez
 Supervisory Patent Examiner
 Technology Center 2300

Continuation of 5. does NOT place the application in condition for allowance because: the arguments presented by applicant are not persuasive. Applicant argues that the Hoffman reference clearly expresses that the tab must be anchored to the outer end of the tape so that a face of the tab lies substantially "precisely" or "exactly" at the outer end, and is "unoccluded" (see page 2, lines 9-13, 15-19, page 3, line 1, and the entire 2nd paragraph). Applicant further argues that, in claim 1, the Hoffman reference gives a "bold and very plain warning" that the tab cannot have any extension on the planar surface of the tab [the surface that faces toward the tape housing] (see page 3, last 4 lines). These argument are not persuasive since Hoffman, in claim 1, states that there are "no tab portions extending beyond said transverse tab portions.", meaning that the tab does not have a portion that extends transversely, i.e., laterally from the sides of the tape, beyond the parts that already extend transverse to the side edges of the tape. This limitation of the claim does not state that there cannot be a portion of the tab extending in a direction toward the housing, but instead states that there cannot be a portion of the tab further extending laterally from the sides of the tape. Furthermore, in the specification, Hoffman fails to disclose that the tab must lie "precisely" or "exactly" at the outer end of the tape, and that the surface of the tab that faces the housing cannot have portions that extend toward the tape casing. Therefore, applicant's arguments are not persuasive..